

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Peter S. MacLeod	Art Unit :	2625
Serial No. :	09/653,052	Examiner :	Madeleine AV Nguyen
Filed :	September 1, 2000	Conf. No. :	5508
Title :	COMPOSITE RENDERING INTENT FOR COLOR PROOFING APPLICATIONS		

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(B)

Applicants hereby petition for reconsideration of the Patent Term Adjustment (PTA) accorded the above-referenced patent application. Attached herewith is a copy of the Notice of Allowance including a Determination of Patent Term Adjustment under 35 U.S.C. §154(b), mailed June 23, 2006 (Exhibit A), for the above-referenced application. The Notice of Allowance states that the Patent Term Adjustment at allowance is 826 days. Correction of the Patent Term Adjustment calculation to increase PTO Delay from 937 days to 957 days, and to decrease the Applicant delay from 111 days to 92 days, adjusting the total PTA from 826 days to 865 days, is respectfully requested.

I. REVIEW OF PATENT TERM ADJUSTMENT CALCULATION

A review of the Patent Term Adjustment History in the PAIR/PALM system shows that the United States Patent and Trademark Office (PTO) calculated the Patent Term Adjustment (PTA) as follows:

- 1) The PTO mailed a non-final Office Action on May 6, 2004. A PTO delay of 917 days was accorded with regard to the mailing of this action. Applicants concur with this patent term adjustment calculation.
- 2) Applicants submitted a response to the May 6, 2004 Office Action on August 5, 2004. The PAIR/PALM system indicates entry of the response on August 25, 2004 and an Applicant Delay of 19 days was accorded. Applicants submit that the office action response was filed by Express Mail, and should have been accorded the

mailing date of August 5, 2004. Applicants respectfully disagree with the PTO's assessment of this patent term adjustment calculation.

- 3) The PTO mailed a non-final Office Action on January 14, 2005. A PTO delay of 20 days was accorded with regard to the mailing of this action. The Patent Office had four months from our response date of August 5, 2004 to mail another office action; accordingly, the office action should have been mailed by December 5, 2004. The PTO should be accorded 40 days of PTO delay. Applicants respectfully disagree with the PTO's assessment of this patent term adjustment calculation.
- 4) Applicants submitted a response to the January 14, 2005 Office Action on April 4, 2005, and filed an IDS on June 29, 2005 (received on July 5, 2005). The PAIR/PALM system indicates entry of the IDS on July 5, 2005. An Applicant Delay of 92 days was accorded. Applicants concur with this patent term adjustment calculation.
- 5) The PTO mailed a Final Office Action on July 12, 2005. No PTO Delay was accorded. Applicants concur with this patent term adjustment calculation.
- 6) Applicants submitted a Request for Continued Examination in response to the July 12, 2005 Final Office Action on October 12, 2005. The PAIR/PALM system indicates entry of the response on October 12, 2005. No Applicant Delay was accorded. Applicants concur with this patent term adjustment calculation.
- 7) The PTO mailed a non-final Office Action on December 28, 2005. No PTO delay was accorded with regard to the mailing of this action. Applicants concur with this patent term adjustment calculation.
- 8) Applicants submitted a response to the December 28, 2005 Office Action on March 27, 2006. The PAIR/PALM system indicates entry of the response on March 27, 2006. No Applicant Delay was accorded. Applicants concur with this patent term adjustment calculation.
- 9) The PTO mailed a Notice of Allowance on July 23, 2006. No PTO delay was accorded with regard to the mailing of this action. Applicants concur with this patent term adjustment calculation.

- 10) The PTO calculates a total PTO Delay of 937 days and a total Applicant Delay of 111 days, for a total (net) PTA of 826 days. Applicants respectfully submit that the PTO's calculation of the PTO and Applicant Delays contain errors and that the correct total PTO Delay is 957 days; the correct total Applicant Delay is 92 days; thus yielding a total PTA of 865 days.

II. CALCULATION OF APPLICANT DELAY

Applicants filed a response to the May 6, 2004 office action by Express Mail on August 5, 2004. The PTO erroneously entered the response as received on August 25, 2004. Accordingly, the Applicants respectfully disagree with the assessment of 19 days of Applicant Delay, and submit that the Applicant Delay for this response should be 0 days.

Applicants submitted a response to the January 14, 2005 office action on April 4, 2005. Applicant later submitted an Information Disclosure Statement on June 29, 2005 (received by the PTO on July 5, 2005). Applicants respectfully concur with the PTO's assessment of 92 days of Applicant delay.

Accordingly, correction of the Patent Term Adjustment calculation to decrease the Applicant delay from 111 days to 92 days is respectfully requested.

III. CALCULATION OF PTO DELAY

Applicants filed a response to the May 6, 2004 office action by Express Mail on August 5, 2004. The PTO entered the response as received on August 25, 2004, which would have given the PTO a base response period beginning August 25, 2004, instead of the correct base response date of August 5, 2004. Accordingly, the PTO's calculation of their response period was incorrect due to the erroneous response date. The PTO mailed the next action on January 14, 2005, which is 40 days later than the end of the four month response time allowed, which ended on December 5, 2005. The PTO delay should have been 40 days instead of the assessed 20 days.

Accordingly, correction of the Patent Term Adjustment calculation to increase the PTO delay from 937 days to 957 days is respectfully requested.

IV. DOCUMENTS ENCLOSED

A copy of each of the following documents is provided herein:

- 1) Copy of the Notice of Allowance mailed June 23, 2006 (Exhibit A);
- 2) Copy of the Information Disclosure Statement mailed June 29, 2005 and stamped return-receipt postcard showing receipt in the PTO on July 5, 2005 (Exhibit B).
- 3) Copy of the Response filed April 4, 2005 (Exhibit C);
- 4) Copy of Office Action dated January 14, 2005 (Exhibit D);
- 5) Copy of Response filed August 5, 2004, with a copy of the stamped return-receipt postcard (Exhibit E); and
- 6) Copy of Office Action dated May 6, 2004 (Exhibit F).

V. REMARKS

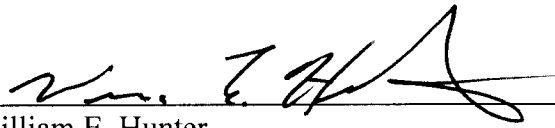
In consideration of the events described above, Applicants believe the Total PTA calculation of 826 days is incorrect. Applicants respectfully request recalculation of the patent term adjustment to reflect that the total PTO delay should be calculated as 957 days and the total Applicant delay as 92 days, resulting increase of the Total PTA from 826 days to 865 days.

Please charge the petition fee of \$200 required under 37 CFR §1.18(e), and apply any additional charges or credits to our Deposit Account No. 06-1050.

Respectfully submitted,

Date:

Sep 7. 18, 2006



William E. Hunter
Reg. No. 47,671

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Fish & Richardson P.C.
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10665523.doc

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

21876 7540 06/23/2006

FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 06/23/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,052	09/01/2000	Peter S. MacLeod	07844-356001	5508

TITLE OF INVENTION: COMPOSITE RENDERING INTENT FOR COLOR PROOFING APPLICATIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	09/25/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

21876 7590 06/23/2006

FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,052	09/01/2000	Peter S. MacLeod	07844-356001	5508

TITLE OF INVENTION: COMPOSITE RENDERING INTENT FOR COLOR PROOFING APPLICATIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	09/25/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, MADELEINE ANH VINH	2625	358-001900

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47, Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,052	09/01/2000	Peter S. MacLeod	07844-356001	5508
21876	7590	06/23/2006		
FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022				
			EXAMINER NGUYEN, MADELEINE ANH VINH	
			ART UNIT 2625	PAPER NUMBER
DATE MAILED: 06/23/2006				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 826 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 826 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

09/653,052

Examiner

Madeleine AV Nguyen

Applicant(s)

MACLEOD, PETER S.

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on March 27, 2006.
2. ☒ The allowed claim(s) is/are 1-21, 25-30, now renumbered as 1-27 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Madeleine AV Nguyen
Madeleine AV Nguyen
Primary Examiner
Art Unit: 2625

Notice of References Cited	Application/Control No. 09/653,052	Applicant(s)/Patent Under Reexamination MACLEOD, PETER S.	
	Examiner Madeleine AV Nguyen	Art Unit 2625	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,835,627 A	11-1998	Higgins et al.	382/167
*	B	US-2001/0013953 A1	08-2001	Uekusa et al.	358/444
*	C	US-6,873,434 B1	03-2005	Kohler et al.	358/1.9
*	D	US-6,567,543 B1	05-2003	Shiraiwa et al.	382/167
*	E	US-6,741,262 B1	05-2004	Munson et al.	345/594
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter S. MacLeod Art Unit : 2626
Serial No. : 09/653,052 Examiner : Madeleine AV Nguyen
Filed : September 1, 2000
Title : COMPOSITE RENDERING INTENT FOR COLOR PROOFING
APPLICATIONS

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

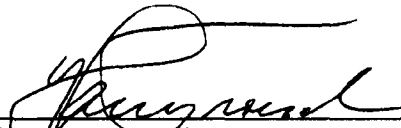
INFORMATION DISCLOSURE STATEMENT

Applicants request consideration of the references listed on the attached PTO-1449 form. Under 37 C.F.R. § 1.98 (a)(2)(ii), only copies of foreign patent documents and/or non-patent literature are enclosed. Copies of any listed U.S. patents or U.S. patent application publications can be provided upon request.

This statement is being filed after a first Office action on the merits, but before receipt of a final Office action or a Notice of Allowance. A check for \$180 in payment of the late submission fee of §1.17(p) is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 28 Jun 05

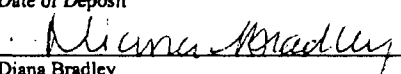

Hans R. Troesch
Reg. No. 36,950

Customer Number 021876
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50285301.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 29, 2005
Date of Deposit

Diana Bradley

Substitute Form PTO-1449 (Modified) Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 07844-356001	Application No. 09/653,052
	Applicant Peter S. MacLeod		
	Filing Date September 1, 2000	Group Art Unit 2626	

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	5,243,414	09/1993	Dalrymple, et al.			
	AB	5,539,540	07/1996	Spaulding, et al.			
	AC	5,572,340	11/1996	Eckhardt, et al.			
	AD	5,578,824	11/1996	Koguchi, et al.			
	AE	5,619,347	04/1997	Taniguchi, et al.			
	AF	5,650,942	07/1997	Granger			
	AG	5,937,089	08/1999	Kobayashi			
	AH	6,043,909	03/2000	Holub			
	AI	6,061,501	05/2000	Decker, et al.			
	AJ	6,072,901	06/2000	Balonon-Rosen, et al.			
	AK	6,088,038	07/2000	Edge, et al.			
	AL	6,192,801	02/2001	Papritz, et al.			
	AM	6,297,826	10/2001	Semba, et al.			
	AN	6,342,951	01/2002	Eschbach, et al.			
	AO	6,459,436	10/2002	Kumada, et al.			
	AP	6,603,483	08/2003	Newman			
	AQ	6,643,029	11/2003	Kumada, et al.			
	AR	6,650,771	11/2003	Walker			
	AS	6,671,067	12/2003	Adam, et al.			
	AT	2001-0028471	10/11/01	Hirokazu			

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AU							
	AV							

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
Examiner Signature		Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 07844-356001	Application No. 09/653,052
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Peter S. MacLeod	
		Filing Date September 1, 2000	Group Art Unit 2626

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	AW	International Color Consortium, "File Format for Color Profiles", Specification ICC.1:1998-09, http://www.color.org/ICC-1_1998-09.PDF , 1998, 134 pages
	AX	International Color Consortium, "Glossary of Terms", White Paper #5, http://www.color.org/ICC_white_paper5glossary.pdf , December, 2004, 25 pages

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Attorney's Docket No. 07844-356001	Express Mail Label No.	Mailing Date June 29, 2005	For PTO Use Only Do Not Mark in This Area
Application No. 09/653,052	Filing Date September 1, 2000	Attorney/Secretary Init HRT/dmb	
Title of the Invention COMPOSITE RENDERING INTENT FOR COLOR PROOFING APPLICATIONS			
Applicant Peter S. MacLeod			
Client Reference No. P331			
Enclosures · Check in the amount of \$180.00 · Information Disclosure Statement (1 page) · Form PTO-1449 (2 pages) · Documents listed on the Form PTO-1449 (2 documents)			

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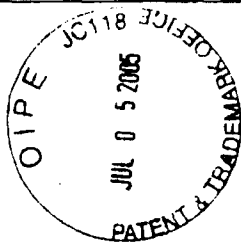
Attorney's Docket No. 07844-356001	Express Mail Label No.	Mailing Date June 29, 2005	For PTO Use Only Do Not Mark in This Area 
Application No. 09/653,052	Filing Date September 1, 2000	Attorney/Secretary Init HRT/dmb	
Title of the Invention COMPOSITE RENDERING INTENT FOR COLOR PROOFING APPLICATIONS			
Applicant Peter S. MacLeod			
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• Check in the amount of \$180.00 • Information Disclosure Statement (1 page) • Form PTO-1449 (2 pages) • Documents listed on the Form PTO-1449 (2 documents)			

EXHIBIT C

Auto-Reply Facsimile Transmission



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Attorney's Docket No.: 07844-36001 Client's Ref. No.: P331			
OFFICIAL COMMUNICATION FACSIMILE:			
OFFICIAL FAX NO: (703) 872-9306			
Number of pages including this page 6			
Applicant : Peter S. MacLeod		Art Unit : 2622	
Serial No. : 09/653,052		Examiner : Timothy J. Stephany	
Filed : September 1, 2000			
Title : Composite Rendering Intent for Color Proofing Applications			
MAIL STOP AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450			
Attached to this facsimile communication cover sheet is a REPLY TO ACTION OF JANUARY 14, 2005 , faxed this <u>4th</u> day of April, 2005, to the United States Patent and Trademark Office.			
Customer No. 021876 Fish & Richardson P.C. Telephone: (650) 839-5070 Fax: (650) 839-5071			
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PAGE 1/6 * RCVD AT 4/4/2005 8:37:22 PM [Eastern Daylight Time] * SVC:USPTO-EPXOF-10 * DNS:1728306 * CNO:6508395071 * DURATION (mm-ss):01-54			

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Attorney's Docket No.: 07844-356001
Client's Ref. No.: P331

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Number of pages including this page 6

Applicant : Peter S. MacLeod
Serial No. : 09/653,052
Filed : September 1, 2000

Art Unit : 2622
Examiner : Timothy J. Stephany

Title : Composite Rendering Intent for Color Proofing Applications

MAIL STOP AMENDMENT
Commissioner for Patents
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Alexandria, VA 22313-1450

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Number of pages including this page 6

Applicant : Peter S. MacLeod
Serial No. : 09/653,052
Filed : September 1, 2000

Art Unit : 2622
Examiner : Timothy J. Stephany

Title : Composite Rendering Intent for Color Proofing Applications

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter S. MacLeod
Serial No. : 09/653,052
Filed : September 1, 2000
Title : COMPOSITE RENDERING INTENT FOR COLOR PROOFING APPLICATIONS

Art Unit : 2622
Examiner : Timothy J. Stephany

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF JANUARY 14, 2005

In reply to the Office Action of January 14, 2005, Applicant submits the following remarks.

REMARKS

Claims 1-23 are pending. Claims 1, 8, 15, 22 and 23 are independent. The Examiner rejected claims 1-6, 8-13, 15-20, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,307,961 ("Balonon-Rosen"). The Examiner rejected claims 14, 7, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Balonon-Rosen in view of U.S. Patent No. 6,124,944 ("Ohta"). The applicant respectfully traverses the rejections.

SECTION 103(a) REJECTIONS

Claim 8

Claim 8 stands rejected as unpatentable over Balonon-Rosen. Examiner cites many sections of the reference in the rejection. Applicant submits that claim 8 is patentable over Balonon-Rosen because every element of claim 8 is not disclosed in this reference.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

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For example, claim 8 recites “using ... a source rendering intent” and “using ... a destination rendering intent.” Balonon-Rosen does not disclose or suggest using a source rendering intent or destination rendering intent; indeed, the reference does not at all discuss rendering intents. The Examiner contends that the use of rendering intents is taught in the Balonon-Rosen reference, citing Figure 2 for the proposition that “the source rendering intent is for rendering an input image to a rendered image in the first image rendering device and the destination rendering intent is for rendering an output image to a rendered output image in the second image rendering device.” Applicant respectfully disagrees with this characterization of Figure 2. Figure 2 discloses a “First Image Rendering Device” and a “Second Image Rendering Device”. These are merely disclosures of devices that perform rendering and do not disclose rendering intents. A rendering intent “determines the method the CMM uses for converting (i.e., mapping) colors from one device’s gamut to another.” Application, page 7: 17-18. As Balonon-Rosen does not disclose or suggest the use of rendering intents, the applicant respectfully submits that the reference does not render this invention obvious under § 103(a).

As another example, claim 8 recites “means for transforming data from the source device color space to an intermediary color space associated with an intermediary color profile using the source device color profile, a source rendering intent, and the intermediary color profile, producing intermediary data;” and “a means for transforming the intermediary data from the intermediary color space to the destination device color space using the intermediary color profile, a destination rendering intent, and the destination device color profile.” As discussed previously, Balonon-Rosen lacks any disclosure of the use of rendering intents. Further, none of Examiner’s cited sections disclose the use of rendering intents in performing transformation in the CMS disclosed in Balonon-Rosen. As Balonon-Rosen does not disclose or suggest the use of rendering intents recited in claim 8, applicant submits that claim 8 is allowable over the reference.

Although transformation to an intermediary, device-independent color space was known in the prior art, see Application, page 6: 23-30, this is not what is claimed. As explained above, Balonon-Rosen does not disclose “means for transforming data from the source device color

space to an intermediary color space . . . using . . . a source rendering intent” Nor does Balonon-Rosen disclose “means for transforming the intermediary data from the intermediary color space to the destination device color space using . . . a destination rendering intent”

Claims 9-13

Claims 9-13 stand rejected as being rendered obvious by Balonon-Rosen. First, claims 9-13 are allowable over Balonon-Rosen as they depend on allowable claim 8, as discussed above.

Second, Balonon-Rosen does not teach every element recited by these claims. For example, Balonon-Rosen does not teach that “the source and destination rendering intents are different rendering intents” as recited by claim 9. As the examiner correctly states, Balonon-Rosen recites “a first image rendering device for the source and second image rendering device for the destination.” Balonon-Rosen therefore merely discusses the use of two rendering devices, not rendering intents. As Balonon-Rosen does not disclose the use of two different rendering intents – indeed, the reference does not disclose rendering intents at all – claim 9 is allowable over the reference.

Further, claim 12 requires that “the source rendering intent is a colorimetric rendering intent and the destination rendering intent is a perceptual rendering intent.” Examiner does not cite any section in the Balonon-Rosen reference for the contention that it “teaches that the source rendering intent is a colorimetric rendering intent.” The applicant points out that the use of the term “colorimetric” in the reference is solely related to color measurement, not a type of rendering intent. Abstract, 3: 24-42, 4: 44-49, 5:15. As the Balonon-Rosen reference does not discuss the use of rendering intents at all, as discussed above, claim 12 is allowable over the reference.

In addition, claim 11 requires “means for receiving the data as an output of a graphic arts application.” The Examiner asserts only that Figure 1 discloses this claim element. The cited Figure 1 shows “a computing environment which includes a printer [source device], a proofing device [destination device] and a computer with a monitor, a keyboard and a mouse [desktop computer on which the CMS is resident].” 5: 47-61. Balonon-Rosen does not disclose a “means

for receiving the data as an output of a graphics arts application." As the means recited in claim 11 is not disclosed by Figure 1, claim 11 is allowable over the reference.

Claims 1-6, 15-22, 22, 23

The Examiner's basis for rejection of claims 1-6, 15-20, 22, and 23 are that they are method claims of apparatus claims 8-13. First, applicant notes that claims 15-20 and 23 are computer program product claims. Further, for at least the reasons set forth above for claims 8-13, applicant submits that these claims are allowable over the cited reference.

Claims 14, 7 and 21

Claims 14, 7 and 21 stand rejected under 35 U.S.C. Section 103(a) as being unpatentable over Balonon-Rosen in view of U.S. Patent No. 6,124,944 to Ohta ("Ohta"). First, as claim 8, an independent claim, is not obvious under Balonon-Rosen, applicant submits that claim 14 is not obvious under Balonon-Rosen and Ohta, and therefore is allowable over the references.

Second, neither Balonon-Rosen nor Ohta nor the combination of them discloses or suggests every element of claim 14. For example, claim 14 requires "zeroing the color components of the intermediary data before transforming the intermediary data." Examiner cites various sections of the Ohta reference for this feature, none of which teach "zeroing the color components." Rather, Ohta discloses a "color-reproduction possible/impossible decision unit." 5:64-65, which outputs "zero" if "the image data that has entered from the input device is within the color-reproduction range of the output device," and outputs "non-zero" if "the image data that has entered from the input device is outside the color-reproduction range of the output device." 7:37-42. Since Ohta does not teach "zeroing the color components of the intermediary data," claim 14 is allowable over of Balonon-Rosen in view of Ohta.

Claims 7 and 21 are also allowable over the references for at least the reasons set forth above for claim 14, as they are method and computer program product claims of apparatus claim 14.

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Serial No. : 09/653,052
Filed : September 1, 2000
Page : 5 of 5

Attorney's Docket No.: 07844-356001 / P331

Conclusion

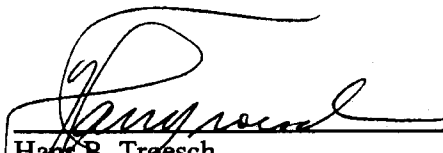
For at least the reasons set forth above, all the pending claims are allowable.

No fee is believed to be due. Please apply charges or credits to Deposit Account No.
06-1050.

Respectfully submitted,

Date: _____

4 Apr 05



Hans R. Troesch
Reg. No. 36,950

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EXHIBIT D

cc: Adabo
ON 2/2/05



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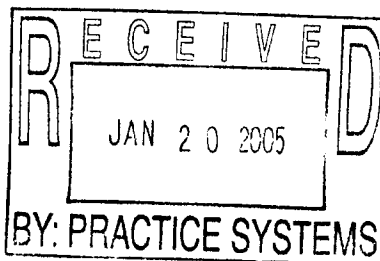
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,052	09/01/2000	Peter S. MacLeod	07844-356001 / P331	5508

21876 7590 01/14/2005

FISH & RICHARDSON P.C.
3300 DAIN RAUSCHER PLAZA
MINNEAPOLIS, MN 55402



EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed By Practice Systems	
Action Code:	RESP TO CA
Base Date:	7/14/05
Due Date:	4/14/05
Deadline:	7/14/05
Initials:	DA
Record:	

Docketed By Billing Secretary	
Base Date:	4/14/05
Deadline:	7/14/05
Initials:	DA

Office Action Summary

Application No.

09/653,052

Applicant(s)

MACLEOD, PETER S.

Examiner

Madeleine AV Nguyen

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This communication is responsive to amendment filed on August 05, 2004.

Applicant amends the specification and drawings.

Response to Arguments

1. Applicant's arguments, see remarks, filed on August 05, 2004, with respect to claims 1-23 have been fully considered and are persuasive. The rejection of 1-23 has been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-13, 15-20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balonon-Rosen et al (US Patent No. 6,307,961).

Concerning claim 8, Balonon-Rosen discloses an apparatus for transforming data from a source device color space to a destination device color space, wherein the source device is associated with a source device profile and the destination device is associated with a destination device color profile comprising means for transforming data from the source device color space to an intermediary color space (independent color space) using the source device color profile, a source rendering intent (source rendering technique), and the profile connection space, producing

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intermediary data (independent color space data); and means for transforming the intermediary data from the intermediary color space (independent color space) to the destination device color space using the profile connection space, a destination rendering intent (destination rendering technique), and the destination device color profile (Fig.1-2; Abstract; col. 1, line 67 – col. 3, line 8; col. 4, line 65 – col. 5, line 21; col. 8, line 7 – col. 8, line 45).

It is noted that the source rendering intent is for rendering an input image to a rendered image in the first image rendering device and the destination rendering intent is for rendering an output image to a rendered output image in the second image rendering device (Fig.2).

Balonen-Rosen does not directly teach the intermediary color space profile. However, Balonen-Rosen teaches in the Background of the Invention that “The ICC defines five major classes of color profile: device profile, device-link profile, color space conversion profile, abstract profile and named color profile. The ICC profile is a tagged file structure which includes three main sections: a header, a tag table and tagged element data... Among the most essential fields found in a device profile’s header is the profile connection space (PCS) field which indicates which device-independent units are used within tags which are utilized by the CMS when deriving parameters for its color transform model.” (col. 2, lines 18-31). In addition, “A device profile’s tags describe the relationship between device digits and the device-independent units of the profile’s PCS.” (col. 2, lines 44-46). It would have been obvious to one skilled in the art at the time the invention was made to consider the profile connection space (PCS) taught in Balonen-Rosen equivalent to the intermediary color profile since it is the profile of the independent color space for wherein the transformation of data from the source device

Art Unit: 2626

color space to the independent color space is performed and the transformation of data from the independent color space to destination color space is performed.

Concerning claims 9-11, 13, Balonon-Rosen further teaches that the source and destination rendering intents are different rendering intents (first image rendering device for the source and second image rendering device for the destination), (claim 9); the source device is a printing press (12, Fig.1) and the destination device is a proofing printer (10, Fig.1), (claim 10); means for receiving the data as an output of a graphic arts application (1, Fig.1), (claim 11); the intermediary color profile is a CIELAB color profile or a CIEXYZ color profile (col. 8, lines 26-45), (claim 13).

Concerning claim 12, Balonon-Rosen further teaches that the source rendering intent is a colorimetric rendering intent but fails to teach that the destination rendering intent is a perceptual rendering intent. However, in the Background of the Invention of the recent application, perceptual rendering intent is a matter of well known in the art (specification in pages 7-8). It would have been obvious to one skilled in the art at the time the invention was made to include the perceptual rendering intent in the destination rendering intent of the system in Balonon-Rosen since Balonon-Rosen teaching different rendering intents for improving the quality performance of a color management system (CMS) without limiting to any specific intent while perceptual rendering intent is commonly known in the art.

Claims 1-6, 15-20, 22, 23 are method claims of apparatus claims 8-13. Claims 1-6, 15-20, 22, 23 are rejected for the same rationales set forth for claims 8-13.

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4. Claims 14, 7, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balonon-Rosen as applied to claims 1, 8, 15, 22 above, and further in view of Ohta (US Patent No. 6,124,944).

Concerning claim 14, Balonon-Rosen fails to teach means for zeroing the color components of the intermediary data before transforming the intermediary data. Ohta discloses a system for color reproduction having different input device profiles and output device profiles comprising means for zeroing the color component of the intermediary data before transforming the intermediary data (Figs.2, 3; col. 5, line 62 – col. 6, line 61; col. 7, lines 20-64; col. 8, lines 38-58). It would have been obvious to one skilled in the art at the time the invention was made to combine the teaching of the zeroing means in Ohta to the system in Balonon-Rosen since both of them teaches a system having means for transforming data from a source device color space to an intermediary color space and means for transforming data from the intermediary color space to a destination color space.

Claims 7, 21 are method claims of apparatus claim 14. Claims 7 and 21 are rejected for the same rationales set forth for claim 14.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ***

a. Schwartz (US Patent No. 6,075,888) teaches a system for creating a device specific color profile for a specific color input or output device.

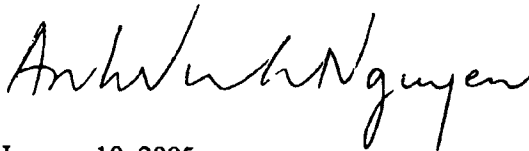
Art Unit: 2626

b. Kohler (US Patent No. 6,778,300) discloses a transformation of color data from a source device into destination color data for rendering by a destination device.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen
Primary Examiner
Art Unit 2626

January 10, 2005

Notice of References Cited	Application/Control No. 09/653,052	Applicant(s)/Patent Under Reexamination MACLEOD, PETER S.	
	Examiner Madeleine AV Nguyen	Art Unit 2626	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,307,961	10-2001	Balonon-Rosen et al.	382/167
	B	US-6,778,300	08-2004	Kohler, Timothy L.	358/529
	C	US-6,108,008	08-2000	Ohta, Takatoshi	345/590
	D	US-6,525,721	02-2003	Thomas et al.	345/594
	E	US-6,542,634	04-2003	Ohga, Manabu	382/167
	F	US-6,075,888	06-2000	Schwartz, Michael	382/167
	G	US-6,836,345	12-2004	Setchell, John S.	358/1.9
	H	US-6,809,833	10-2004	Blair et al.	358/1.16
	I	US-6,803,921	10-2004	Balasubramanian et al.	345/597
	J	US-6,680,740	01-2004	Krueger, Sharon A.	345/601
	K	US-6,421,141	07-2002	Nishikawa, Naoyuki	358/1.9
	L	US-6,362,808	03-2002	Edge et al.	345/601
	M	US-6,549,654	04-2003	Kumada, Shuichi	382/162

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 09/653,052	Applicant(s)/Patent Under Reexamination MACLEOD, PETER S.	
	Examiner Madeleine AV Nguyen	Art Unit 2626	Page 2 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,781,716	08-2004	Yoda, Akira	358/1.9
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
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	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EXHIBIT E



EV 321390865 US

Mailing Label
Label 11-F June 2002Customer Copy
Label 11-F June 2002

EV 321390865 US

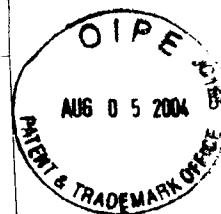


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Date in Mo. Day Year		<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM		Postage \$ 12.05		Time <input type="checkbox"/> AM <input type="checkbox"/> PM	
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METHOD OF PAYMENT: Express Mail Corporate Acct. No.				Federal Agency Acct. No. or Postal Service Acct. No.			
FROM: (PLEASE PRINT) DMB/HRT/PYV/nmm 07844-356001				TO: (PLEASE PRINT) AMENDMENT PO BOX 1450 ALEXANDRIA VA 22313-1450			

Attorney's Docket No. 07844-356001	Express Mail Label No. EV 321 390 865 US	Mailing Date August 5, 2004
Application No. 09/653.052	Filing Date September 1, 2000	Attorney/Secretary Init DMB/HRT/nmm
Title of the Invention COMPOSITE RENDERING INTENT FOR COLOR PROOFING APPLICATIONS		
Inventor Peter S. MacLeod		
Official Reference No. P5541		
Reply to Office Action of May 6, 2004 (6) pages (2) Sheets of Drawings (FIG. 2) Replacement Sheet and Annotated Sheet This Return Receipt Postcard		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter S. MacLeod Art Unit : 2622
Serial No. : 09/653,052 Examiner : Timothy J. Stephany
Filed : September 1, 2000
Title : COMPOSITE RENDERING INTENT FOR COLOR PROOFING
APPLICATIONS

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT IN REPLY TO ACTION OF MAY 6, 2004

Please amend the above-identified application as follows:

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EY 321 390 865 US

August 5, 2004
Date of Deposit

Amendments to the Specification:

Please replace the paragraph beginning at page 8, line 1 with the following amended paragraph:

- Relative Colorimetric. When a color in the current color space is out of gamut in the target color space, it is mapped to the closest possible color within the gamut of the target color space, while colors that are in gamut are not affected. Only the colors that fall outside of the destination gamut are changed. This rendering intent can cause two colors which appear different in the source color space to be the same in the target color space. This is called "clipping". This is the default method of color conversion built into Adobe Inc.'s Photoshop 4.0 and earlier. The "relative" in Relative Colorimetric means that the colors are scaled relative to the paper white, i.e. that a pure white color (i.e. $L^*=100$, $a^*=b^*=0$) is rendered as paper white on the output device.

Please replace the paragraph beginning at page 9, line 11 with the following amended paragraph:

For example, if one is attempting to proof a press that has a fairly light black, then using a perceptual intent will scale the ~~dark~~ dark colors to absolute black, and the resulting print will be ~~much too~~ have too much contrast, and the saturated colors will be much too bright. On the other hand, a colorimetric intent (relative or absolute) might not be a good choice either, because one still might need some gamut compression for good perceptual rendering.

Please replace the paragraph beginning at page 18, line 30, ending on page 19, line 6 with the following amended paragraph:

An alternative implementation is contemplated for a system having a color management module that can perform a color space transformation using two rendering intents. In this implementation, no intermediary profile is ~~requires~~ required, and the transformation is a single step. The data is transformed from the source device color space to the destination device color space using the source device color profile, a source rendering intent, a destination rendering intent, and the destination device color profile.

Applicant : Peter S. MacLeod
Serial No. : 09/653,052
Filed : September 1, 2000
Page : 3 of 6

Attorney's Docket No.: 07844-356001 / P331

Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to and replaces the original (FIG. 2).

In FIG. 2, reference numeral "208" was removed.

Attachments following last page of this Amendment:

Replacement Sheet (1) page

Annotated Sheet Showing Change (1) page

REMARKS

This paper is submitted in reply to the Office Action mailed May 6, 2004. Please reconsider the action in light of the foregoing amendments and the following remarks.

Claims 1-23 are pending in this application.

1. Response to Objections to Specification

The Examiner objected to the specification due to three informalities.

First, the Examiner objected that on page 9, line 12: "darks colors" should read "dark colors". This change has been made to the specification.

Second, the Examiner objected that on page 9, line 13, "be much too contrast" should read "have much to contrast". To correct this typographical error, the specification has been corrected to read "have too much contrast".

Third, the Examiner objected that on page 19, line 2, "profile is requires" should read "profile is required". This change has been made to the specification.

2. Response to Objections to Drawings

The Examiner objected to the drawings under 37 CFR 1.84(p)(5). The reference number "252" is actually mentioned in the specification – on page 14, line 2. The reference number "208", which is not mentioned in the description has been removed from Figure 2 of the drawings. The applicant believes that the objections to the drawings are overcome by these amendments.

3. Response to Rejections Under 35 USC § 112

a. 35 U.S.C. § 112, first paragraph

Claims 1-23 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The basis for the Examiner's rejection is that the term "source rendering intent" does not meet the enablement requirement. Specifically, Examiner states that "because it relies on the commonly accepted interpretation of rendering intent as it relates to the

"
intended mapping type used to render an output", the "use of 'rendering intent' to a source or input is obscure and lacks sufficient meaning to allow for proper understanding of the specification and the claims."

The applicant respectfully submits that the claim as written meets the enablement requirements of § 112, first paragraph. The source rendering intent is one of the two rendering intents recited in the claims. The other rendering intent is called the destination rendering intent. Claim 1, for example, recites (a) "transforming data from the source device color space to an intermediary color space . . . using . . . a source rendering intent" and (b) "transforming . . . data from the intermediary color space to the destination device color space using . . . a destination rendering intent". Because two rendering intents are recited, they are distinguished by the use of two names. Each one is used to map an input to an output.

The terminology is used consistently throughout the specification. Because the claim language is readily understood in light of the specification, the applicant respectfully requests that the rejection be withdrawn.

b. 35 U.S.C. § 112 second paragraph

Claims 1-23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The basis for the Examiner's rejection is that the term "source rendering intent" is indefinite. Specifically, Examiner states that "it relies on the commonly accepted interpretation of rendering intent as it relates to the intended mapping type used to render an output", and the "use of 'rendering intent' relating to a source or input therefore is obscure and lacks sufficient meaning to allow for proper understanding of the claims."

The applicant respectfully submits that the claim as written meets the requirements of § 112, second paragraph, for the reasons set forth above in relation to the rejection based on the first paragraph of § 112. The source rendering intent is manifestly not related to a mapping to a source. Rather, the source rendering intent is one of the two rendering intents recited in the claims. The other rendering intent is called the destination rendering intent. Because two

Applicant : Peter S. MacLeod
Serial No. : 09/653,052
Filed : September 1, 2000
Page : 6 of 6

Attorney's Docket No.: 07844-356001 / P331

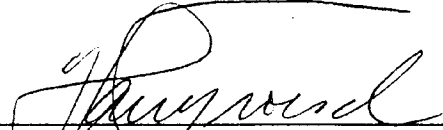
rendering intents are recited, they are distinguished by the use of two names. Each one is used to map an input to an output.

Because the claim language is readily understood in light of the specification, the applicant respectfully requests that the rejection be withdrawn.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 05 Aug 04



Hans K. Troesch
Reg. No. 36,950

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

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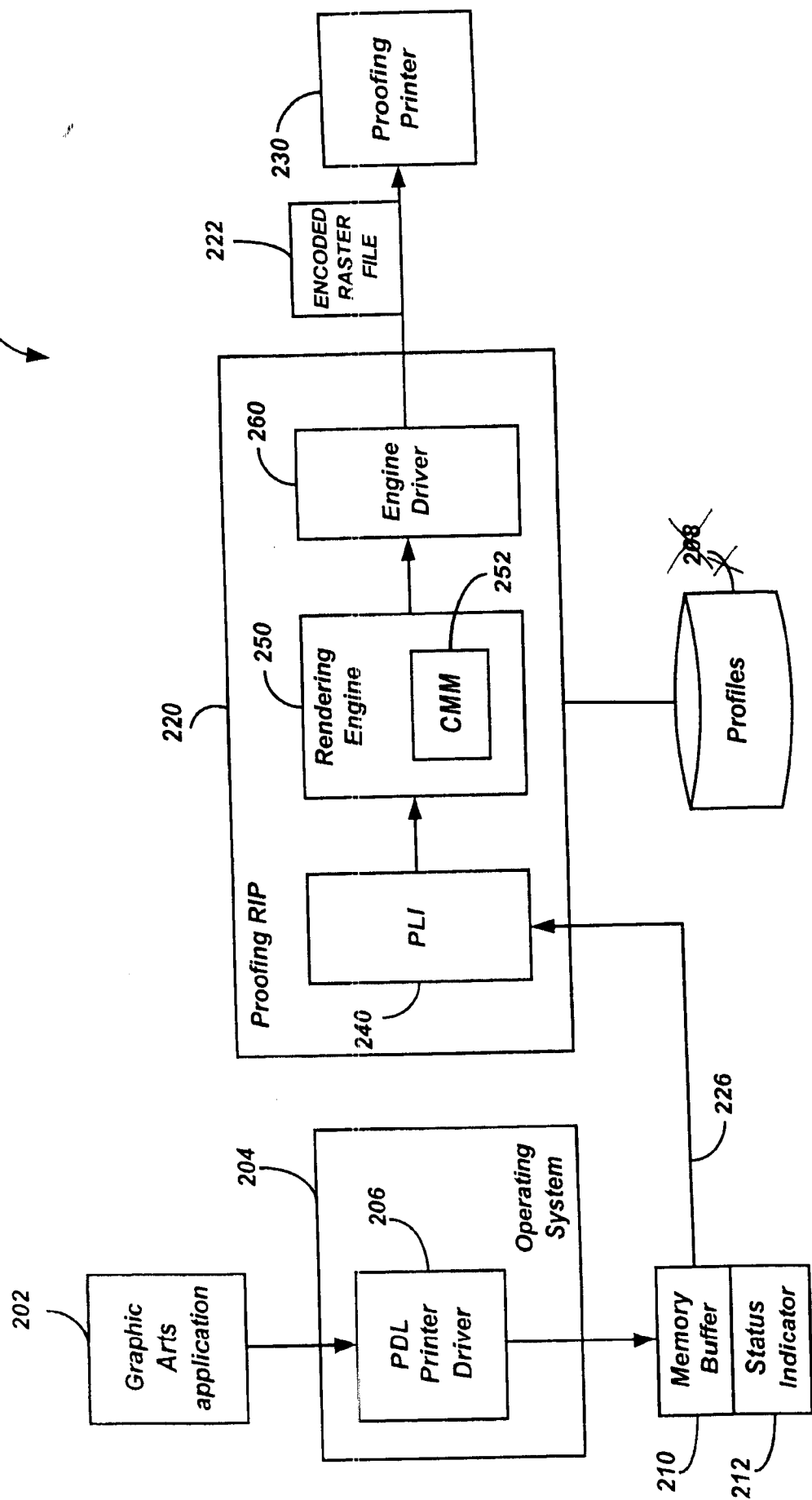


FIG. 2

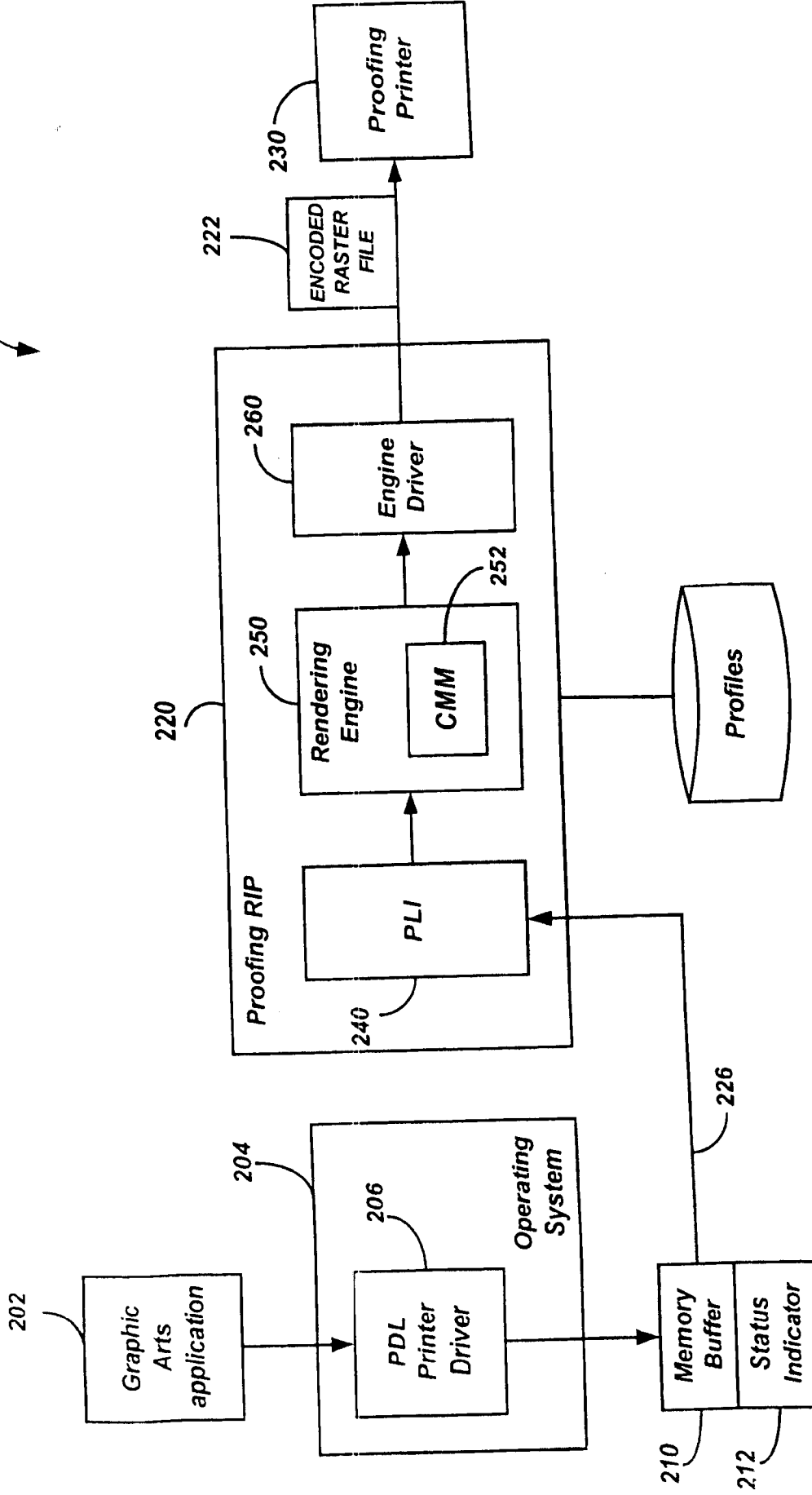


FIG. 2

EXHIBIT F

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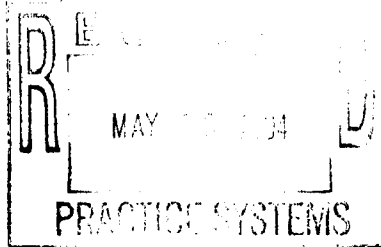
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,052	09/01/2000	Peter S. MacLeod	07844-356001	5508
21876	7590	05/06/2004	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402			STEPHANY, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2622	



DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed By	Practice Systems
Action Code:	RESP TO OA
Base Date:	5-10-04
Due Date:	8-6-04
Deadline:	11-6-04
Initials:	JA
Record:	

Docketed By	Billing Secretary
Due Date:	8/12/04
Deadline:	11/6/04
Initials:	

Office Action Summary	Application No. 09/653,052	Applicant(s) MACLEOD, PETER S.	
	Examiner Timothy J. Stephany	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

On page 9, line 12: typographical error, "darks colors" should read "dark colors".

On page 9, line 13: typographical error, "be much too contrast" should read "have much to contrast".

On page 19, line 2: typographical error, "profile is requires" should read "profile is required".

Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: **208** and **252**. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "source rendering intent" relies upon the commonly accepted interpretation of rendering intent as it relates to the intended mapping type used to render an output. The use of "rendering intent" relating to a source or input therefore is obscure and lacks sufficient meaning to allow for proper understanding of the specification and the claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "source rendering intent" as used in independent claims 1, 8, 15, 22 and 23 relies upon the commonly accepted interpretation of rendering intent as it relates to the intended mapping type used to render an output. The use of "rendering intent" relating to a source or input therefore is obscure and lacks sufficient meaning to allow for proper understanding of the claims.

Additional Notes


The prior art made of record and not yet relied upon is considered pertinent to applicant's disclosure.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Stephany whose telephone number is 703-305-8951. The examiner can normally be reached on 8:30 am - 4:30 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Notice of References Cited	Application/Control No. 09/653,052	Applicant(s)/Patent Under Reexamination MACLEOD, PETER S.	
	Examiner Timothy J. Stephany	Art Unit 2622	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,571,009	05-2003	Nielsen et al.	382/162
	B	US-5,872,895	02-1999	Zandee et al.	358/1.9
	C	US-5,995,653	11-1999	Reed et al.	382/162
	D	US-5,754,184	05-1998	Ring et al.	345/604
	E	US-6,008,907	12-1999	Vigneau et al.	358/1.9
	F	US-6,037,950	03-2000	Meir et al.	345/427
	G	US-6,636,628	10-2003	Wang et al.	382/167
	H	US-			
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